

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

UNITED STATES OF AMERICA,	)	Case Nos.: 1:10 CV 2845
	)	1:06 CR 125
Plaintiff	)	
	)	
	)	JUDGE SOLOMON OLIVER, JR.
v.	)	
	)	
JESUS SOSA-ORTIZ,	)	
	)	
Defendant	)	<u>ORDER</u>

Currently pending before the court is Petitioner, Jesus Sosa-Ortiz's, Motion to Vacate Sentence Pursuant to 28 U.S.C. § 2255 (ECF No. 1). (ECF No. 652 in Case No. 1:06CR125) On April 24, 2007, he was sentenced by this court to 96 months custody with the Bureau of Prisons, to be followed by a two-year period of supervised release for conspiracy to smuggle aliens. He maintains that he is being subjected to a much longer sentence than agreed to by the parties and the court. Under that agreement, he was to receive credit for time served in another case that was directly related to this case – Case No.: 1:05CR286 before the Honorable David D. Dowd, Jr..

In that case, Mr. Ortiz pled guilty to illegal reentry following deportation and was sentenced to 30 months incarceration. The United States does not oppose the granting of the Motion (ECF No. 1 in Case No. 1:10CV2845, ECF No. 659 in Case No.1:06CR125). Further, it has stipulated with Mr. Ortiz that evidently, the court was not able to pronounce its sentence in a way that comported with the agreement of the parties and the court inasmuch as Defendant is not being given the benefit of the contemplated sentence reduction.

The court agrees. The court, therefore, grants the Motion to Vacate Sentence of Mr. Ortiz. The court hereby sets a new sentencing hearing on May 13, 2011, at 10:30 a.m., at which time the court will sentence Defendant in accordance with the stipulation of the parties.

IT IS SO ORDERED.

/S/ SOLOMON OLIVER, JR.  
CHIEF JUDGE  
UNITED STATES DISTRICT COURT

April 19, 2011